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necessities and luxuries of government—a division which was hardly logical, difficult for students to comprehend, and certainly not in accord with the unsystematic construction of British public offices. Instead, the author has arranged the different departments much more nearly in their historic order. Arrangement may be a small matter, but in this case it would seem to add distinctly to the clearness and value of the work.

The only considerable addition in the new volume is a much more extensive treatment of the historic evolution of the Cabinet in England. This is extremely interesting, and brings out many things in a short compass. The author points out, for example, how towards the end of the eighteenth century, after the idea of responsibility had taken root, there was still a tendency towards an outer and inner ring, a body of actual administrators who composed the effective Cabinet, while ex-ministers and others formed part of a larger Cabinet which bore towards the inner ring something of the relation that the Privy Council had borne to the Cabinet itself a couple of generations earlier.

At the end of his description of the Cabinet, the author discusses its relation with the House of Commons; and here he dwells upon the fact, which is undoubtedly true, that the last extensions of the franchise in 1867 and 1885 have made as wide a breach with the period that preceded them as the first Reform Act did between that period and the times of the unreformed Parliament. He points out "that from 1832 to 1867 a defeat in the House of Commons on what the Cabinet may have chosen to consider a vital issue was the ordinary mode of terminating the existence of a Ministry," but that in later years the fall of a Cabinet has commonly been brought about by a popular election. He points out that during the years between 1832 and 1867, or rather for this purpose 1886, the House of Commons possessed a larger measure of political power, and its members greater independence and freedom of judgment, than at any other period. Before that time the composition and conduct of the House was largely under the influence of the Crown and its servants. Since that time it has been under the control of the Cabinet and of party. Sir William Anson attributes the change rather to the introduction of single-member constituencies than to the extension of the franchise. But whatever one may think of the precise weight to be attributed to a particular cause, his statement of the result is unquestionably correct. "The consequence," he says, "of these various features of our political life at the present time is to make the House of Commons dependent on the Cabinet rather than the Cabinet on the Commons. The threat of a dissolution suggests to the supporters of a Ministry the certainty of expense and the possibility of defeat, and this possibility may assume a more formidable aspect if by-elections have resulted unfavorably to the Government. . . . A member may have ceased to be in sympathy with the leaders of his party, but he may also feel that small as will be his chances of re-election in any event, they would disappear altogether if he broke the bonds of party allegiance. In truth the Redistribution of 1885 has done much to destroy the independence of the members of the House of Commons. The power and influence which it has lost has gone partly to the Cabinet, partly to the constituencies, or rather in many cases, to the organizations by which the constituencies are worked."

A. L. L.

NEGLIGENCE IN LAW. By Thomas Beven. In two volumes. Third Edition. London: Stevens and Haynes. Philadelphia: Cromarty Law Book Company. 1908. pp. cciv, 1-726; xi, 727-1505. 8vo.

Mr. Beven's treatise on Negligence made its first appearance in a single volume, nineteen years ago. In 1895 a second edition was issued in two volumes, which is now superseded by the bulky tomes before us. That a new edition of this work was needed to keep it abreast of judicial decisions, will not be questioned by any one familiar with the output of the courts upon this most fruitful topic of litigation.

But the author has not contented himself with introducing into this edition the "1456 new cases on negligence" which have appeared in the English Law

Reports since the second edition was published. Some of the chapters have been rewritten throughout, and all have been altered "sufficiently to include a modifying amount of novelty." Of the first class are those in Book VII, on Unclassified Relations. While the heading of each chapter is unchanged, and while many paragraphs have been altered but little, this Book taken as a whole may properly be called a new production. For example, the discussion of *Young v. Grote* (4 Bing. 253) has been transferred from the chapter on Estoppel to that on Bankers. Moreover, the doctrine of this much criticized case is now limited to the relation of banker and customer, and is stated as amounting to this only: that the customer in that case, "by his neglect to use due caution, had caused his bankers to make payment on a forged order" (p. 1328). To what extent the author's view of *Young v. Grote* has changed can be seen by comparing the above quotation with the statements on pp. 1595-1599 of the second edition.

A good example of the chapters which have not been rewritten, but are modified to a noticeable degree by the introduction of late decisions, is that on Limits of Liability. Particular reference may be made to the portion dealing with liability for damages caused by fright, mental anguish, or nervous shock, when there is no physical impact. The very full discussion of this topic in the second edition is supplemented, here, by a careful and discriminating review of all the important English cases decided between 1895 and 1908.

While a few American cases of recent date are cited in this connection, no such prominence is given to them as is accorded to the supplemental English decisions. This is in accordance with the policy explained in the preface, of discontinuing the attempt, made in the former editions, "to present the law of the United States side by side with our own." The author writes: "I am convinced that such an attempt is impossible of success and also inexpedient. I have in my possession a vast American Treatise on Negligence. It is in six volumes, has 7741 pages and deals with 36,000 cases or thereabouts. Yet even in these generous limits very many American decisions on negligence of the greatest weight are not included. What hope then of dealing with a body of law so enormous in addition to our own? Moreover, the study of this Encyclopædia of Negligence has made plain to me what I before suspected—that, though of the same parentage as ours, American law has in late years been developing along divergent lines, and accepts principles widely applicable that are to us not only novel, but fundamentally unsound."

A characteristic feature of this treatise is its careful analysis and trenchant criticism of decisions which the author deprecates. *Stanley v. Powell* ([1891] 1 Q. B. 86) affords an excellent example. Mr. Beven expresses surprise that this should have been "introduced in a recent excellent and authoritative collection as a leading case," and adds: "What a leading case means in this connection I cannot say; but in my opinion *Stanley v. Powell* is not an authority for anything, but was decided on quite wrong grounds." In the body of the text (p. 569) he declares: "it would be a useless labour to follow the judgment through its confused and inaccurate review of the cases." Here, as well as elsewhere, Mr. Beven, to quote his own words (p. v), "has used considerable freedom in inquiring into the validity of the decisions arrived at."

Many a reader will prefer the rule laid down by Mr. Justice Denman, in *Stanley v. Powell*, to that contended for by the author; but every one who carefully studies the chapter in which that case and kindred cases are dissected and the author's rule is deduced, will bear witness to the ability and thoroughness with which Mr. Beven has dealt with the topic. And what is true of this chapter is true of the entire work.

F. M. B.

REPORTS OF THE AMERICAN BAR ASSOCIATION. Vol. XXXII. AN ESSAY ON PROFESSIONAL ETHICS. By George Sharswood. Fifth Edition. Philadelphia: T. & J. W. Johnson Company. 1907. pp. 196. 8vo.

In the present national searching of conscience the American Bar Association takes its part by proposing and discussing a code of professional ethics,